



# City of Santa Barbara California

II. B.

## STAFF HEARING OFFICER STAFF REPORT

**REPORT DATE:** January 22, 2018  
**AGENDA DATE:** January 31, 2018  
**PROJECT ADDRESS:** 1035 Coyote Road (MST2017-00529)  
**TO:** Susan Reardon, Senior Planner, Staff Hearing Officer  
**FROM:** Planning Division, (805) 564-5470  
Jessica W. Grant, Acting Senior Planner *[Signature]*  
Stephanie Swanson, Assistant Planner

### I. PROJECT DESCRIPTION

The 25,177 square-foot site is located in the Hillside Design District and is currently developed with an "as-built" single family residence. The only legally recognized structures on the lot, per archive plans and permit records, are a kiln and 302 square foot (net) tool shed with bathing facilities. The proposed project involves permitting the existing structure as a single family residence, constructing a two-story addition to the residence, constructing an attached two-car carport, and removing unpermitted accessory structures and improvements on the lot, including "as-built" additions to the original tool shed structure, detached accessory buildings, two man-made ponds, a barbeque pit, trellises, planter, and fencing. Two juniper trees, a double olive tree, and three palm trees are proposed for removal. The existing gravel driveway would be repaved with asphaltic concrete. This project would abate all violations listed in ZIR2015-00535 and ENF2015-00314. The proposed residence would be 2,631 square feet, 56% of the guideline maximum floor-to-lot area ratio (FAR).

The discretionary application under the jurisdiction of the Staff Hearing Officer required for this project is:

1. Front Setback Modification to allow the permitted accessory structure to be converted to a single family residence, and to allow the proposed residential addition and carport to be located in the front setback (SBMC §30.20.030.B and SBMC §30.250.030.B).

The project requires an environmental finding pursuant to California Environmental Quality Act Guidelines Section 15183 (Project Consistent with a Community Plan or Zoning).

### II. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, subject to the findings and condition in Section V of this report.

### III. SITE INFORMATION AND PROJECT STATISTICS

#### A. SITE INFORMATION

Applicant: Rick Starnes	Property Owner: Irene O'Connor
Parcel Number: 021-061-005	Lot Area: 25,177 square feet (net)
General Plan: Low Density Residential (Max. 1 du/acre)	Zoning: RS-1A
Existing Use: "As-Built" Single Family Residence	Topography: 48%

#### Adjacent Land Uses:

North – 2-E-1; 45 West Mountain Drive (in County jurisdiction) – Single Family  
Residence (1-story)  
East – RS-1A; 1025 Coyote Road – Single Family Residence (2-story)  
South – RS-1A; 1002 Coyote Road – Single Family Residence (2-story)  
West – 2-E-1; 1077 East Coyote Road (in County jurisdiction) – Single Family  
Residence (2-story)

#### B. PROJECT STATISTICS

	<b>Existing</b>	<b>Proposed</b>
Living Area	428 sq. ft. (net)	2,200 sq. ft. (net)
Carport	N/A	431 sq. ft. (net)
Accessory Space	65 sq. ft. (net)	0 sq. ft. (net)

#### C. PROPOSED LOT AREA COVERAGE

Building: 2,000 sq. ft. (8%)    Hardscape: 1,300 sq. ft. (5%)    Landscape: 21,877 sq. ft. (87%)

### IV. DISCUSSION

#### Background

The project was originally reviewed under MST2016-00003 and received a Modification to allow construction of a carport and conversion of the existing tool shed/"as-built" residence to a permitted, legal residential unit, and was determined to be exempt from CEQA under categorical exemption 15183 (Project Consistent with a Community Plan or Zoning); a Notice of Determination was filed on December 1, 2016. On December 7, 2016, the Staff Hearing Officer approved the required Modification (Resolution No. 079-16, Attachment C). The project would have resulted in a residence 18% of the guideline maximum floor-to-lot area ratio (FAR).

The project was then revised to include the residential additions proposed under this application and a garage. Zoning staff reviewed the revised project and determined that it did not qualify for a Substantial Conformity Determination due to the size of the project and change from a carport

to a garage; therefore, the subject application was submitted and is under the Staff Hearing Officer's review again.

#### Creek Setback

ZIR2015-00535 included an advisory that "all structures on site will require review by the Creeks Division to ensure they are adequately set back from the top of bank." Creeks staff reviewed the project site and determined that the waterbody is a small, natural creek/tributary and creek setbacks for development are applicable. This decision is documented in PRE2015-01047.

Initially during the Modification pre-consultation phase of this project (PRE2017-00113), the Creeks Division recommended a 15'-0" development setback from the creek's top of slope. However, given the constrained site, a 10'-0" development setback is approvable and was agreed upon between the applicant and Creeks Division. Creeks staff have reviewed the project and confirmed that a carport encroaching into the 10'-0" creek setback is sufficient, but no other structural encroachments would be supportable. The applicant has revised the project to remove the once-proposed garage to include only a carport that meets the 10'-0" creek setback. Staff has reviewed the current proposal with Creeks staff and confirmed that a proposed eave encroaching into the creek development setback is an allowable encroachment.

#### Front Setback Modification

The subject project is subject to a 35'-0" front setback from the edge of the right-of-way. The "as-built" residence is non-conforming and located mostly within the required front setback, and was permitted in its current location under Permit No. 33842 as a tool shed. The existing structure encroaches, approximately 18'-0" into the required front setback. The proposal includes conversion of the existing structure to a single family residence, as well as a two-story addition resulting in a 2,631 square foot residence. Portions of the addition, on both the first and second floors, would encroach into the front setback; however, they would encroach a maximum of 16'-0" into the front setback. A proposed attached carport at the front of the residence would be located entirely in the front setback, encroaching a maximum of 29'-0" into the required 35'-0" front setback.

The lot, while 25,177 square feet, is subject to steep slopes, has a creek running through it, and has a 40'-0" public right-of-way area from the front property line; the 35'-0" front setback is additive to the public-right-of way buffer. These factors limit the developable area of the site to approximately 4,300 square feet at the southwestern corner of the lot; more than half of that area is located in the required interior or front setbacks, as well as the Creeks Division established 10'-0" development setback from the top of slope of the creek.

In comparing the subject lot to its immediate eastern neighbor (1025 Coyote Road), a pattern of development being pushed towards the front property line can be seen on a lot under the same constraints as the subject lot. The neighboring lot is also in the City jurisdiction, features the continuation of the same creek as the subject property, and is also subject to the 40'-0" public right-of-way buffer. It is developed with a non-conforming two-story dwelling that encroaches approximately 29'-0" into the required 35'-0" front setback and located within the creek top-of-bank setback. The lot is also developed with a two-car garage that was approved with a Modification on February 10, 1999. The garage is entirely in the front setback. Across Coyote

Road, where the creek is not a factor in determining buildable area of the lot, the development on the two closest neighbors in the City jurisdiction (1002 Coyote Road and 988 Coyote Road) are conforming to setback requirements.

#### Design Review

The subject project was reviewed by the Single Family Design Board (SFDB) on September 18, 2017 and October 30, 2017 on the SFDB's full board agenda. At the first meeting, resolution regarding the creek setback had not been reached; therefore, the SFDB refused to issue comments until the creek setback issue was resolved. At the follow-up meeting, the SFDB commented that the size, bulk, and architectural style are appropriate for the site and did not pose any consistency issues with the Single Family Residence Design Guidelines.

#### Environmental Review

According to the City's Master Environmental Assessment Report the project is not located in any archaeological or biological overlay areas. No technical studies were required for environmental review. A site investigation geotechnical report will be required prior to building permit issuance, as the lot is located in an expansive soil hazard area. Expansive soil hazard are addressed by appropriate project-specific engineering recommendations in the foundation design. The Environmental Analyst has reviewed the proposed project and suggests a condition of approval requiring a landscape plan compatible with the Wildland Fire Plan as part of the plan set to be reviewed and approved by the Single Family Design Board, this condition is included in Section V of this report. Since the lot is proposed to be developed with a single family residence in the Hillside Design District, the project is subject to Storm Water Management Plan (SWMP) Tier 3 requirements.

The scope of the entire proposed project can be found exempt from the California Environmental Quality Act (CEQA) under categorical exemption 15183 (Project Consistent with a Community Plan or Zoning).

### **V. FINDINGS AND CONDITIONS**

The Staff Hearing Officer finds the following:

1. The project qualifies for an exemption from further environmental review under CEQA Guidelines Section 15183, based on City Staff analysis and the CEQA certificate of determination on file for this project.
2. The Front Setback Modification is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot. The proposed carport and residence are appropriate because the development is located outside the 10'-0" creek setback, the existing, permitted accessory structure, to be converted to a single family residence, is non-conforming to the front setback, the habitable space of the residential additions will encroach no farther into the front setback, and the proposed carport is acceptable by Transportation staff for minimum parking space dimensions and is appropriately sized for the use.

This approval is subject to the condition that a landscape plan that is consistent with the policies and guidelines outlined in the Wildland Fire Plan be reviewed and approved by the Single Family Design Board.

Exhibits:

- A. Site Plan (under separate cover)
- B. Applicant's letter, dated November 11, 2017
- C. Resolution No. 079-16, dated December 7, 2016
- D. SFDB Minutes, dated September 18, 2017 and October 30, 2017

Contact/Case Planner: Stephanie Swanson, Assistant Planner  
(SSwanson@SantaBarbaraCA.gov)  
630 Garden Street, Santa Barbara, CA 93101  
Phone: (805) 564-5470 x4569







## City of Santa Barbara California

### \*\*\* SEPARATELY DISTRIBUTED SITE PLAN \*\*\*

Exhibit A: This site plan for this Staff Report has been distributed separately. A copy of the Staff Report, site plan, and exhibits/attachments are available for viewing at the Planning and Zoning Counter at 630 Garden Street, Santa Barbara, CA between the hours of 8:30 a.m. and 4:30 p.m., Monday through Thursday, and every other Friday.

Please check the City Calendar at [www.SantaBarbaraCA.gov](http://www.SantaBarbaraCA.gov) to verify closure dates.





Rick Starnes, Architect  
2270 Sycamore Canyon Rd.  
Santa Barbara, CA 93108

November 11, 2017

Staff Hearing Officer  
City of Santa Barbara  
P.O. Box 1990  
Santa Barbara, CA 93102-1990

RE: Modification Request for: 1035 Coyote Rd., Santa Barbara, CA, 93108; APN 021-061-005;  
Zone A-1

**LETTER FROM APPLICANT**

Dear Staff Hearing Officer:

**#1 - PROJECT DESCRIPTION**

This is a .78-acre property with a permitted 328 net sf workshop/storage building, and attached "as built" additions to the building including the 71 net ft bathroom and 29 net sf closet, for a total conditioned space of 428 net square feet. There is also an attached unconditioned "as built" space of 20 net sf. We are proposing a change of use of the existing 328 net sf building from an accessory building to a single-family residence, along with additions of 1,872 sf for a total residence of 2,200. We are demolishing all of the attached "as-built" additions that totals 120 net sf.

Detached from this building is an "as built" accessory building that we are demolishing to make room for a two-car carport that is a parking requirement for the proposed single-family residence.

We are also demolishing a number of other "as built" small structures and elements on the site as described under the heading "Demolition" on the proposed site plan.

**EXHIBIT B**



After working a number of months with the Creeks Department, they have forced the design away from the top of slope as submitted, thus requiring the removal of three palm trees, and additional encroachment into the front yard setback.

## **#2 - MODIFICATION REQUESTS**

This project requires the following modifications:

- A) The conversion of the existing 328 net sf building from “accessory” to “residential” use.
- B) Encroachment of the existing 328 net sf building into the front setback.
- C) Encroachment of the west corner of the 328 net sf building into the side setback.
- D) Encroachment of the required Carport into the front setback.
- E) Encroachment of portions of the proposed additions to the existing building into the front setback.

Note: Items **A**, **B**, **C**, and **D** previously received SHO approval on December 7, 2016. Item **D**, the Carport, is farther from top of slope than that previous approval as required by Creeks.

## **#3 - JUSTIFICATION**

The modifications are necessary to create a modest conventional single family residence, because of the many constraints imposed upon the property which include:

- 1) Extremely steep topographic on most of the property.
- 2) Unusually large right-of-way (ROW) of 70 feet, of which 40 feet is on the subject property.
- 3) Creeks Departments required setback from top of slope.
- 4) The Carport location utilizes the existing driveway. Grading is only required here, because the Creeks Department is requiring the Carport to be moved farther from top of slope than previously approved.

## **#4 – BENEFITS**

The benefit of allowing these modification is that the property can then be used as a single-family residence, and maintain some useable yard space at the rear of the property.





# City of Santa Barbara California

CASE PLANNER (R)  
FOR PLANNING FILE

## CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 079-16  
1035 COYOTE ROAD  
MODIFICATIONS  
DECEMBER 7, 2016

**APPLICATION OF RICK STARNES, ARCHITECT FOR BERRETT FAMILY TRUST, 1035 COYOTE ROAD, APN 021-061-005, A-1 ONE-FAMILY RESIDENCE ZONE, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (MAX 1 DU/AC) (MST2016-00003).**

The 33,977 square-foot site is currently developed with an existing nonconforming 428 square foot one-story workshop/storage building and a detached 65 square foot "as-built" accessory building. The proposed project involves permitting 120 square feet of "as-built" additions to the workshop/storage building (total 428), a change of use of the existing nonconforming workshop/storage building to a single-family residence, demolition of the "as-built" 65 square foot accessory building and construction of a new 361 square foot two-car carport and attached trash enclosure. The proposal will abate violations listed in ENF2015-00314 and ZIR2015-00535. The proposed total of 809 square feet on a 33,977 square foot lot, located within the Hillside Design District, is 18% of the maximum guideline floor to-lot-area ratio (FAR).

The discretionary applications required for this project are:

1. Front Setback Modification to allow the change of use of the existing nonconforming workshop/storage building to residential use and the construction of a new two-car carport to be located within the required 35-foot front setback (SBMC § 28.87.030, and SBMC § 28.92.110).
2. Interior Setback Modification to allow the change of use of the existing nonconforming workshop/storage building to residential use to be located within the required 15-foot interior setback (SBMC § 28.87.030, and SBMC § 28.92.110).

The project requires an environmental finding pursuant to California Environmental Quality Act Guidelines Section 15183.

**WHEREAS**, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

**WHEREAS**, no one appeared to speak either in favor or in opposition of the application thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, December 01, 2016.
2. Site Plans

EXHIBIT C



**NOW, THEREFORE BE IT RESOLVED** that the City Staff Hearing Officer:

**I. Approved the subject application making the following findings and determinations:**

- A. The project qualifies for an exemption from further environmental review under the California Environmental Quality Act Guidelines Section 15183, "Projects Consistent with a Community Plan or Zoning," based on the CEQA certificate of determination on file for this project.
- B. The Front Setback Modification to allow the change in use and new two-car carport within the front setback is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot due to the existing topography, mature trees, building location, rural nature of the area, and extent of the public right-of-way on this property. In addition, the two-car carport will comply with the residential parking standards to provide two covered spaces and the Single Family Design Board found that the design to be consistent in appearance with the neighborhood and aesthetically appropriate.
- C. The Interior Setback Modification to allow the change of use is consistent with the purposes and intent of the Zoning Ordinance and is necessary to secure an appropriate improvement on the lot because of the minor extent of the encroachment of the existing building within the required 15-foot interior setback which is approximately one-foot. The proposal would not result in additional encroachment within the interior setback and would not negatively impact the adjacent neighbor.

**II. Said approval is subject to the following conditions:**

- A. The surface of the proposed driveway shall meet the requirements of 28.90.001.J.
- B. In order to reduce the potential impacts to the existing slopes, the proposed carport shall not exceed the minimum dimensions as specified by the City's Parking Design Standards and approved by the City's Transportation Division and shall be placed as far away as possible from the existing top of bank noted on the site plan.



This motion was passed and adopted on the 7<sup>th</sup> day of December, 2016 by the Staff Hearing Officer of the City of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Staff Hearing Officer at its meeting of the above date.

Krystal M. Vaughn  
Krystal M. Vaughn, Commission Secretary

12/13/16  
Date



**PLEASE BE ADVISED:**

1. This action of the Staff Hearing Officer can be appealed to the Planning Commission within ten (10) days after the date the action was taken by the Staff Hearing Officer.
2. If the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.
3. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
4. Subsequent to the outcome of any appeal action your next administrative step should be to apply for **Single Family Design Board (SFDB)** approval and then a building permit.
5. **PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit.** The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
6. **NOTICE OF APPROVAL TIME LIMITS:** The Staff Hearing Officer's action approving the Performance Standard Permit or Modifications shall expire two (2) years from the date of the approval, per SBMC §28.87.360, unless:
  - a. A building permit for the construction authorized by the approval is issued within twenty four months of the approval. (An extension may be granted by the Staff Hearing Officer if the construction authorized by the permit is being diligently pursued to completion.) or;
  - b. The approved use has been discontinued, abandoned or unused for a period of six months following the earlier of:
    - i. an Issuance of a Certificate of Occupancy for the use, or;
    - ii. one (1) year from granting the approval.

The ten-day appeal period was announced.

### **CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING**

#### **5. 1035 COYOTE RD**

**A-1 Zone**

**(5:15)**

Assessor's Parcel Number: 021-061-005  
Application Number: MST2017-00529  
Owner: Berrett 2009 Family Trust  
Architect: Rick Starnes

(Proposal for a change of use of the existing non-conforming 428 square foot single-story building from accessory to single-family use located within the required 35 foot front setback. A portion of the building was permitted as a workshop and storage building at 402 square feet but is actually 428 square feet. The proposed project also includes 1,046 square feet of additions, 869 square feet of new development, and construction of a new 400 square-foot two-car garage. Zoning Modifications are requested to allow the conversion of the workshop/storage to be converted to a single-story residential unit and for the construction of a new two-car garage located within the required front setback. Other site improvements include the demolition of existing structures within the required setbacks. The proposal will address violations listed in ENF2015-00314 and ZIR2015-00535. The proposed total of 2,643 square feet of development on a 25,177 square-foot lot located in the Hillside Design District is 56% of the guideline maximum floor-to-lot area ratio (FAR).)

**(Comments Only. Project requires Staff Hearing Officer review for Zoning Modification requests.)**

Actual time: 5:58 p.m.

Present: Rick Starnes, Architect

Staff comments: Mr. Cameron advised that the Board is being asked to review the aesthetics of the project and explained that it is not the purview of the Board to comment or alter the determinations made by the Creeks Division. The Board should provide comments on the portions of the project that require modifications and advise if the proposed modifications are aesthetically appropriate. Lastly, the applicant has already been informed that staff is unable to support the front setback modification request.

Public comment opened at 6:09 p.m., and as no one wished to speak, it closed.

**Motion: The Board determined that no comments on the architectural aesthetics of the project will be provided until the applicant and staff come to an understanding on what will be allowed to be built on the property.**

**Action: Moticha/Miller, 5/0/0. Motion carried.**



Present: Carl Schneider, Architect

Public comment opened at 5:43 p.m.

The following people expressed opposition or concerns:

1. Joan V. Coil, neighbor, expressed that the proposed second-story addition will block her ocean and shoreline views and depreciate the value of her property. She suggested the applicant utilize the flat land in the front yard for the addition.
2. Rosalyn Dincelli, neighbor, explained that the applicant has made a minimal attempt to work with the neighbors and asked that the applicant consider shifting the second-story addition forward and to the left to avoid placing a large wall directly in front of her property's view.
3. Nick Dincelli, stated that he did meet with the architect but is very disappointed as the applicant seems unwilling to work with the neighbors in any fashion. Mr. Dincelli also submitted written public comment and provided images of properties around the neighborhood with second-story additions.

Public comment closed at 5:49 p.m.

**Motion: Continue indefinitely with comments:**

1. Lower the second floor plate heights to 7' 6".
2. Change the style of the roofs on the second story to a half hip.
3. The Board supported the location of the second-floor addition.
4. The positioning of windows on the north elevation will mitigate privacy issues between the adjacent properties.

Action: Moticha/Miller, 4/0/0. (James absent.) Motion carried.

**CONCEPT REVIEW (CONT.)**

**7. 1035 COYOTE RD**

**RS-1A Zone**

**(6:00)**

Assessor's Parcel Number: 021-061-005  
Application Number: MST2017-00529  
Owner: Berrett 2009 Family Trust  
Architect: Rick Starnes

(Proposal for a change of use of the existing non-conforming, 428 square foot, single-story building from accessory to single-family use located within the required 35 foot front setback. A portion of the building was permitted as a workshop and storage building at 402 square feet but is actually 428 square feet. The proposed project also includes 1,046 square feet of additions, 869 square feet of new development, and construction of a new 400 square foot two-car carport. Zoning Modifications are requested to allow the conversion of the workshop/storage to be converted to a single-story residential unit and for the construction of a new two-car garage located within the required front setback. Other site improvements include the demolition of existing structures within the required setbacks. The proposal will address violations listed in ENF2015-00314 and ZIR2015-00535. The proposed total of 2,643 square feet of development on a 25,177 square foot lot located in the Hillside Design District is 56% of the guideline maximum floor-to-lot area ratio (FAR).)

**(Comments Only. Project requires Staff Hearing Officer review for Zoning Modification requests. Project was last reviewed September 18, 2017.)**

Actual time: 6:09 p.m.

Present: Rick Starnes, Architect

Public comment opened at 6:16 p.m., and as no one wished to speak, it closed.

**Motion: Continue to the Staff Hearing Officer for return to the Full Board with comments:**

1. The Board expressed that the size, bulk, and architectural style are appropriate.
2. Provide a landscape plan, limited to the general perimeter of the building itself.
3. Provide the surface material for the driveway.
4. Provide a color board.
5. The modifications are aesthetically appropriate, and the style of architecture and the scale are appropriate and do not pose any consistency issues.

Action: Miller/Moticha, 4/0/0. (James absent.) Motion carried.

**\* THE BOARD RECESSED FROM 6:24 TO 6:28 P.M. \***

### **CONCEPT REVIEW - NEW ITEM: PUBLIC HEARING**

#### **8. 1224 HARBOR HILLS DR**

**RS-15 Zone**

**(6:30)**

Assessor's Parcel Number:	035-480-070
Application Number:	MST2017-00647
Owner:	Cecil Kyte
Applicant:	Hovak Yekiazarian
Architect:	Melisa Turner

(Proposal to construct a new 3,539 square foot, one-story single residential unit with an attached basement and 473 square foot two-car garage located on a currently vacant lot. The proposed project will also include 864 square feet of covered deck area and 475 square feet of uncovered deck area. Other site improvements include a new spa, driveway, and retaining walls. Approximately 310 cubic yards of cut and 30 cubic yards of fill will occur under the main building footprint, and 156 cubic yards of cut and 60 cubic yards of fill will occur outside the main building footprint. Approximately 376 cubic yards will be exported off-site. The proposed total of 4,012 square feet of development on a 28,459 square foot lot is 59% of the guideline maximum floor-to-lot area ratio (FAR).)

**(Comments Only. Project requires Environmental Assessment and must comply with Tier 3 Storm Water Management Program.)**

Actual time: 6:28 p.m.

Present: Mark Shields, DesignARC

Public comment opened at 6:40 p.m.

Nick Whelan had questions regarding a public pathway across the ravine.

Public comment closed at 6:43 p.m.